

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Prior to the Final Office Action, claims 1-44 were pending. Through this reply, claims 45-51 are added. Therefore, claims 1-51 are presented for examination. Claims 1, 9, 10, 25 and 40 are independent.

INTERVIEW CONDUCTED

Applicant thanks the Examiner for conducting an interview with Applicant's representative on May 4, 2006.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner for indicating that claim 29 includes allowable subject matter.

§ 102 REJECTION -BELUCCI

Claim 25 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Belucci et al. (US Patent 5,913,542). Applicant respectfully traverses.

Claim 25 recites, in part “sizing the image based on a size of the person area of the image such that the size of the person area is a predetermined person area size.” In other words, the basis for sizing the image is the person area size.

As discussed during the interview, at best, Belucci merely discloses resizing the image based on the size of the entire image. This is in clear contrast in which the basis for sizing the image is the person area size and not the size of the entire image. For at least this reason, independent claim 25 is distinguishable over Belucci.

Applicant respectfully requests that the rejection of claim 25 based on Belucci be withdrawn.

§ 103 REJECTION – NISHIKAWA, BELUCCI

Claims 1-6, 8-9, 16 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa et al. (US Patent 5,296,945) in view of Belucci. Applicant respectfully traverses.

Independent claim 1 recites, in part “wherein said automatic correcting device ... changes the size of an image based on the size of the person area so that the size of the person area is the predetermined size.” Again, the basis for changing the size of the image is the person area size. As discussed during the

interview, neither Nishikawa nor Belucci teaches or suggests this feature. For at least this reason, independent claim 1 is distinguishable over the combination of Nishikawa and Belucci.

Independent claim 9 recites, in part “changing the size of the image based on the size of the person area so that the size of the person area is the predetermined size.” As demonstrated above, the combination of Nishikawa and Belucci cannot teach or suggest this feature. For at least this reason, claim 9 is distinguishable over the combination of Nishikawa and Belucci.

Claims 2-6, 8, 16 and 19 depend from independent claims 1 and 9 directly or indirectly. Therefore, these dependent claims are also distinguishable over Nishikawa and Belucci for at least due to their dependencies from independent claims 1 and 9.

Applicant respectfully requests that the rejection of claims 1-6, 8-9, 16 and 19 be withdrawn.

§ 103 REJECTION – NISHIKAWA, BELUCCI, FUJIMOTO

Claims 10-15 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa, Belucci and Fujimoto et al. (U.S. Patent 6,035,074). Applicant respectfully traverses.

Independent claim 10 recites, in part “an image size correcting device configured to change a size of the person area to a predetermined person area size based on the size of the person area abstracted by the abstracting device.” It is demonstrated above that Nishikawa and Belucci cannot teach or suggest this feature. Fujimoto is not relied upon to correct for at least this deficiency of Nishikawa and Belucci. For at least this reason, claim 10 is distinguishable over the combination of Nishikawa, Belucci, and Fujimoto.

Claims 11-15 and 22 depend from Independent claim 10 directly or indirectly. Therefore, these dependent claims are also distinguishable over the combination of Nishikawa, Belucci, and Fujimoto for at least due to their dependencies from claim 10.

Applicant respectfully requests that the rejection of claims 10-15 and 22 based on Nishikawa, Belucci, and Fujimoto be withdrawn.

§ 103 REJECTION – NISHIKAWA, BELUCCI, FUJIMOTO, O’BRILL

Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa in view of Belucci and Fujimoto and in further view of O’Brill (U.S. Patent 5,937,081). Applicant respectfully traverses.

Claim 7 depends from independent claim 1 and it is demonstrated above that claim 1 is distinguishable over the combination of Nishikawa, Belucci and

Fujimoto. O'Brill is not relied upon to correct for at least the above-noted deficiencies of Nishikawa, Belucci and Fujimoto. Therefore, independent claim 1 is distinguishable over the combination of Nishikawa, Belucci, Fujimoto and O'Brill.

For at least due to the dependency thereon, claim 7 is also distinguishable over the combination of Nishikawa, Belucci, Fujimoto and O'Brill.

Applicant respectfully requests that the rejection of claim 7 based on Nishikawa, Belucci, Fujimoto and O'Brill be withdrawn.

§ 103 REJECTION – NISHIKAWA, BELUCCI, BLANK

Claims 17-18, 20-21 and 35-37 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa in view of Belucci, and in further view of Blank (U.S. Patent 5,345,313). Applicant respectfully traverses.

These claims depend from independent claims 1 and 9 directly or indirectly and it is demonstrated above that claims 1 and 9 are distinguishable over Nishikawa and Belucci. Blank is not relied upon to correct for at least the above noted deficiencies of Nishikawa and Belucci. Therefore, independent claims 1 and 9 are distinguishable over the combination of Nishikawa, Belucci and Blank. Therefore, these dependent claims are also distinguishable over the

combination of Nishikawa, Belucci and Blank for at least due to their dependencies from independent claims 1 and 9.

Applicant respectfully requests that the rejection of claims 17-18, 20-21 and 35-37 based on Nishikawa, Belucci and Blank be withdrawn.

§ 103 REJECTION – NISHIKAWA, BELUCCI, FUJIMOTO, BLANK

Claims 23 and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa, Belucci, Fujimoto and Blank. Application respectfully traverses.

Claims 23 and 24 depend from independent claim 10 and it is demonstrated above that claim 10 is distinguishable over Nishikawa, Belucci, and Fujimoto. Blank is not relied upon to correct for at least the above noted deficiencies of Nishikawa, Belucci, and Fujimoto. Thus, independent claim 10 is distinguishable over Nishikawa, Belucci, Fujimoto and Blank. For at least due to the dependency thereon, claims 23 and 24 are also distinguishable over the same combination of references.

Applicant respectfully requests that the rejections of claims 23 and 24 based on Nishikawa, Belucci, Fujimoto, and Blank be withdrawn.

§ 103 REJECTION –BELUCCI, BLANK

Claims 26-28 and 40-42 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Belucci in view of Blank. Applicant respectfully traverses.

These claims depend from independent claim 25 and it is demonstrated above that claim 25 is distinguishable over Belucci. Blank is not relied upon to correct for at least the above noted deficiencies of Belucci. Thus, claim 25 is distinguishable over the combination of Belucci and Blank. For at least due to the dependency thereon, these dependent claims are also distinguishable over the same combination of references.

Applicant respectfully requests that the rejection of claims 26-28 and 40-42 based on Belucci and Blank be withdrawn.

§ 103 REJECTION –BELUCCI, BLANK, DALY

Claims 30-31 and 43-44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Belucci, Blank and Daly et al. (U.S. Patent 6,173,069). Applicant respectfully traverses.

Claims 30-31 and 43-44 depend from independent claims 25 and 40, respectively, directly or indirectly, and it is demonstrated above that claims 25 and 40 are distinguishable over Belucci and Blank. Daly is not relied upon to

correct for at least the above noted deficiencies of Belucci and Blank. Thus, independent claims 25 and 40 are distinguishable over the combination of Belucci, Blank and Daly. For at least due to the dependency thereon, these dependent claims are also distinguishable over the same combination of references.

Applicant respectfully requests that the rejection of claims 30-31 and 43-44 based on Belucci, Blank and Daly be withdrawn.

§ 103 REJECTION –BELUCCI, O’BRILL

Claim 32 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Belucci in view of O’Brill. Applicant respectfully traverses.

Claim 32 depends from independent claim 25 and it is demonstrated that claim 25 is distinguishable over Belucci. O’Brill is not relied upon to correct for the above noted deficiencies of Belucci. Thus, claim 25 is distinguishable over the combination of Belucci and O’Brill. For at least due to the dependency thereon, claim 32 is also distinguishable over the same references.

Applicant respectfully requests that the rejection of claim 32 based on Belucci and O’Brill be withdrawn.

§ 103 REJECTION –BELUCCI, O’BRILL, FUJIMOTO

Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Belucci, O’Brill and Fujimoto. Applicant respectfully traverses.

Claim 33 depends from independent claim 25 and it is demonstrated that claim 25 is distinguishable over Belucci, O’Brill and Fujimoto. Fujimoto is not relied upon to correct for the above noted deficiencies of Belucci. Thus, claim 25 is distinguishable over the combination of Belucci, O’Brill and Fujimoto. For at least due to the dependency thereon, claim 33 is also distinguishable over the same references.

Applicant respectfully requests that the rejection of claim 33 based on Belucci, O’Brill and Fujimoto be withdrawn.

§ 103 REJECTION –BELUCCI, O’BRILL, FUJIMOTO, NISHIKAWA

Claim 34 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Belucci, O’Brill, Fujimoto and Nishikawa. Applicant respectfully traverses.

Claim 34 depends from independent claim 25 and it is demonstrated that claim 25 is distinguishable over Belucci, O’Brill, Fujimoto and Nishikawa.

Fujimoto is not relied upon to correct for the above noted deficiencies of Belucci. Thus, claim 25 is distinguishable over the combination of Belucci, O'Brill, Fujimoto and Nishikawa. For at least due to the dependency thereon, claim 34 is also distinguishable over the same references.

Applicant respectfully requests that the rejection of claim 34 based on Belucci, O'Brill, Fujimoto and Nishikawa be withdrawn.

§ 103 REJECTION – NISHIKAWA, BELUCCI, BLANK, DALY

Claims 38 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishikawa, Belucci, Blank and Daily. Applicant respectfully traverses.

Claims 38 and 39 depend from independent claim 1 and it is demonstrated that claim 1 is distinguishable over Nishikawa, Belucci and Blank. Daly is not relied upon to correct for the above noted deficiencies of Claim 1. Thus, claim 1 is distinguishable over the combination of Nishikawa, Belucci, Blank and Daly. For at least due to the dependency thereon, claims 38 and 39 are also distinguishable over the same references.

Applicant respectfully requests that the rejection of claim 38 and 39 based on Nishikawa, Belucci, Blank and Daily be withdrawn.

NEW CLAIMS

Claims 45-51 are added through this reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination, for at least due to their dependencies from independent claims. Applicant respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: JUL 13 2006

Respectfully submitted,

By 

D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

HNS